

EXHIBIT A

FIBER OPTIC & ELECTRIC LINE EASEMENT

City of Austin Right-of-Way

THE STATE OF TEXAS § **KNOW ALL MEN BY THESE PRESENTS THAT:**
COUNTY OF TRAVIS §

This FIBER OPTIC LINE EASEMENT (the “**Easement**”) is granted by the CITY OF AUSTIN, a municipal corporation situated in the Counties of Travis, Hays and Williamson, State of Texas, (the “**City**”) to the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, AN AGENCY OF THE STATE OF TEXAS (“**UT**”).

RECITALS

A. The City is the owner of certain real property dedicated as right-of-way commonly known as a portion of Whitis Avenue and West 21st Street, as depicted on attached Exhibit "A" (the "City Property").

B. UT desires to construct, install, maintain, repair and replace fiber optic and electric lines to be located within in a duct bank to be constructed within and under the City Property (the "Improvements").

C. The City has agreed to grant, convey and assign a fiber optic and electric line easement (the "Easement") in, under, upon and across the City Property to UT.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for which no lien, express or implied, is retained, the City hereby agrees as follows:

Subject to the continuing paramount right of the public to use the City Property as right-of-way, and to the extent of its right, title and interest, the City hereby GRANTS, SELLS, CONVEYS, AND ASSIGNS to UT, and its successors and assigns, a fiber optic and electric line easement (the "Easement") in, under, upon and across the City Property in the following described tracts of land:

All that certain tracts, pieces or parcels of land, lying and being situated in the County of Travis, State of Texas, described in Exhibits A-1 and A-2 attached hereto and made a part hereof for all purposes, to which reference is made hereby for a more particular description of said property (the “Easement Tract”).

TO HAVE AND TO HOLD the Easement described herein perpetually to UT, and its successors and assigns, together with the right and privilege to enter the Easement Tract, or any part thereof, for the purpose of constructing, installing, operating, maintaining, repairing, replacing and upgrading the fiber optic and electric lines and related facilities to be located in the Easement Tract and making connections therewith, subject to the applicable provisions of the Code of the City of Austin.

UT shall, at its own cost, restore any portion of the surface of the City Property, including the restoration of any roadways, sidewalks, driveways, landscaping, or similar surface improvements located upon or adjacent to the Easement Tract that have been removed, relocated, altered, damaged, or destroyed by UT or as a result of UT's use of the Easement granted hereunder, to applicable City standards. The City shall use best efforts to avoid any conflict with the Improvements due to future construction, repair or maintenance within the City Property, provided, however, that in the event such a conflict cannot reasonably be avoided, UT shall cooperate and coordinate with the City and its consultants and contractors to protect and, if necessary, to relocate the Improvements into a replacement easement area within the City Property at its cost and expense, and the City will use best efforts to minimize any construction, repair or maintenance impacts requiring such protection or relocation.

WITH RESPECT TO THE CITY'S RIGHT TITLE AND INTEREST IN THE RIGHT-OF-WAY AND IN THE INTERESTS IN THE EASEMENT TRACT, THIS EASEMENT IS GRANTED, SOLD, CONVEYED, AND ASSIGNED BY THE CITY, AND ACCEPTED BY UT, WITHOUT ANY WARRANTIES, EXPRESS OR IMPLIED, SPECIFICALLY INCLUDING BUT NOT LIMITED TO, ANY WARRANTIES THAT MIGHT ARISE BY COMMON LAW OR BY THE PROVISIONS OF SECTION 5.023 OF THE TEXAS PROPERTY CODE, AS WRITTEN OR HEREAFTER AMENDED.

The City understands and acknowledges that this Easement covers only that portion of the fiber optic and electric lines located within and under the City Property. The remainder of the fiber optic and electric lines are located within properties owned in fee by UT .

Executed as of the last date set forth below.

City of Austin

Lauraine Rizer, Manager
Real Estate Services Division
Department of Public Works

Date

APPROVED AS TO FORM:

Gordon Bowman, Assistant City Attorney

Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____, 2007, by
Lauraine Rizer, Real Estate Manager of the City of Austin, on behalf of the City of Austin.

Notary Public, State of Texas